

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER A. EDWARDS,

Petitioner,

vs.

MICHELE CAPPS, Warden Nebraska  
Penitentiary; and SCOTT R. FRAKES, Director  
Nebraska Department of Correctional Services;

Respondents.

**4:19CV3033**

**ORDER**

This matter is before the Court on Petitioner Christopher A. Edwards (“Edwards”) Petition Under [28 U.S.C. §2254](#) for Writ of Habeas Corpus by Person in State Custody. [Filing No. 1](#). Pursuant to Rule 4 of the *Rules Governing Section 2254 Cases in the United States District Courts*, the Court is to dismiss the Petition “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.” Based upon the Court’s review of the Petition and attached exhibits, the Court cannot make such determination at this time. The parties are advised that this determination is preliminary only.

Accordingly, this action will be progressed as follows.

**IT IS ORDERED:**

1. Respondents shall answer or otherwise respond to Edward’s Petition by December 13, 2019. The response must be accompanied by a separately-filed brief addressing Edward’s claims. *See* Rule 5 of the *Rules Governing Section 2254 Cases in the United States District Courts*.
2. Not later than forty-five days following the filing of Respondents’ initial brief,

Edwards shall file a brief in response. *See Rule 5(e) of the Rules Governing Section 2254 Cases in the United States District Courts.*

3. No later than fourteen days following the filing of Edwards' brief in response, Respondents may file a reply brief.
4. No discovery shall be undertaken without leave of court. *See Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts.*
5. The Clerk of Court is directed to provide a copy of this Order and the Petition to Respondents and the Nebraska Attorney General's Office. *See Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.*

Dated this 9th day of October, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. L. Branch", written over a horizontal line.

United States District Judge